

**BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA**

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Re: )  
Pharmacist License of )  
**ARTHUR W. BOERNER** ) **STATEMENT OF CHARGES**  
License No. 12243 )  
Respondent )

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**COMES NOW**, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).
3. On June 29, 1956, Arthur W. Boerner, the Respondent, was issued license number 12243 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 12243 is current and active until June 30, 1996.
5. Respondent currently resides at 237 Lexington Avenue, Iowa City, Iowa 52246.
6. Respondent is currently self-employed as the owner and pharmacist in charge of the House of Boerner Pharmacy, 1004 Melrose Avenue, Iowa City, Iowa 52244-2147.

**COUNT I**

The Respondent is charged under Iowa Code Sections 155A.12(1) and 155A.31 (1995) and 657 Iowa Administrative Code Sections 6.3, 8.5(4), 9.1(4)(b)(4), 9.1(4)(j), and 9.1(4)(u) with repeatedly failing to maintain a current pharmacy library at the House of Boerner Pharmacy as required.

## COUNT II

The Respondent is charged under Iowa Code Section 155A.12(1) (1995) and 657 Iowa Administrative Code Sections 6.2, 6.7, and 9.1(4)(b)(4) with repeatedly failing to maintain the prescription department at the House of Boerner Pharmacy in an orderly and sanitary condition at all times.

### THE CIRCUMSTANCES

1. Respondent has repeatedly failed to maintain a current pharmacy library at the House of Boerner Pharmacy (the latest edition and supplements to the USP DI Volumes I, II, and III, and the current edition of the Iowa Pharmacy Law and Information Manual) as observed by Board Investigators on the following inspection or re-inspection dates: January 11, 1990; March 19, 1990; August 26, 1991; November 16, 1993; April 18, 1995; July 10, 1995; August 21, 1995; and September 28, 1995. Respondent did obtain the current edition of the Iowa Pharmacy Law and Information Manual on or about September 12, 1995.

2. Respondent has repeatedly failed to maintain the prescription department at the House of Boerner Pharmacy in an orderly and sanitary condition as observed by Board Investigators on the following inspection or re-inspection dates: January 11, 1990; March 19, 1990; August 26, 1991; November 16, 1993; April 18, 1995.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.



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Lindy A. Pearson  
Chief Investigator

On this 20th day of September, 1995, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

A handwritten signature in cursive script that reads "Marian Roberts". The signature is written in black ink and is positioned above a horizontal line.

Marian L. Roberts, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

cc: Linny Emrich  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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**STIPULATION  
AND  
CONSENT ORDER**

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On this 19th day of March, 1996, the Iowa Board of Pharmacy Examiners and Arthur W. Boerner, R.Ph., of Iowa City, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Complaint and Statement of Charges and Notice of Hearing filed against Respondent on September 20, 1995, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy on the 29th day of June, 1956, as evidenced by License Number 12243, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 12243 issued to and currently held by Respondent is current and in full force until June 30, 1996.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on September 20, 1995.

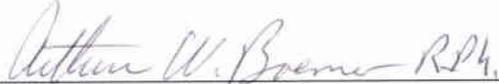
5. This Stipulation and Consent Order is executed as a compromise settlement of disputed claims.

6. Respondent agrees to accept a citation and warning for the alleged violations set forth in the complaint.

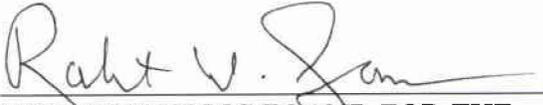
7. Respondent also agrees to obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and all federal and state criminal laws.

8. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either party.

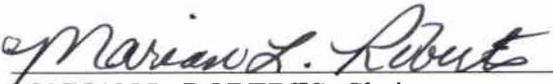
9. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 12 day of March, 1996.

  
ARTHUR W. BOERNER, R.Ph.  
Respondent

Subscribed and Sworn to before me on this 12 day of March, 1996.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA  
My Commission Expires June 22, 1996

10. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 19<sup>th</sup> day of March, 1996.

  
MARIAN L. ROBERTS, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319